

UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF LOUISIANA

LAFAYETTE-OPELOUSAS DIVISION

**PACER HEALTH MANAGEMENT
CORP., ET AL.
VS.**

CIVIL ACTION NO. 08-0384

JUDGE DOHERTY

MPS GROUP, INC., ET AL.

MAGISTRATE JUDGE HILL

REPORT AND RECOMMENDATION

Pending before the court is the Motion to Dismiss for Lack of Personal Jurisdiction filed by MPS Group, Inc. (MPS). [rec. doc. 11]. By this Motion, MPS seeks dismissal from this action because it allegedly lacks sufficient contacts with Louisiana to permit this court to exercise personal jurisdiction over it.

This court's records reveal that since the filing of this Motion, by Unopposed Motion to Amend, the plaintiffs have been granted leave to amend their Complaint to delete MPS as a defendant in this lawsuit as it has become clear that Soliant Health, Inc. d/b/a Blackstone Resources is the proper defendant. [rec. docs. 16 and 17]. Accordingly, the instant Motion is moot.

For this reason, it is recommended that the Motion to Dismiss for Lack of Personal Jurisdiction filed by MPS Group, Inc. [rec. doc. 11] should be **DISMISSED WITHOUT PREJUDICE** as **MOOT**.

Failure to file written objections to the proposed factual findings and/or the proposed legal conclusions reflected in this Report and Recommendation within ten

(10) days following the date of its service, or within the time frame authorized by F.R.C.P. 6(b), shall bar an aggrieved party from attacking either the factual findings or the legal conclusions accepted by the District Court, except upon grounds of plain error. *Douglass v. United Services Automobile Association*, 79 F.3d. 1415 (5th Cir.1996).

Counsel are directed to furnish a courtesy copy of any objections or responses to the District Judge at the time of filing.

Signed this 10th day of June, 2008, at Lafayette, Louisiana.


C. MICHAEL HILL
UNITED STATES MAGISTRATE JUDGE